REMARKS

This paper is responsive to the Office Action dated September 15, 2004. Claims 1, 2 and 4 - 8 are pending in this application. Claims 1, 2 and 5 - 8 have been rejected and claim 4 has been objected to. Reexamination is respectfully requested in light of the following remarks.

Double Patenting

Applicant submits with this response a terminal disclaimer thereby obviating the rejection under the judicially created doctrine of obviousness - double patenting - over claim 1 of US Patent 6,545,821.

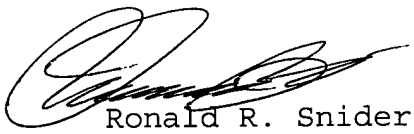
Claim Rejections - 35 USC § 103

Claims 1, 2 and 5 - 8 have been rejected as being unpatentable over Nomura '976 in view of Shiono '433. This rejection is respectfully traversed on the grounds that Nomura is a reference under 35 USC § 102(e) because its issue date is January 29, 2002 and Applicant's US filing date is March 16, 2001. Still further, since this is a reference under 35 USC § 102(e), it does not qualify as subject matter which can be relied upon under 35 USC § 103. 35 USC § 103(c) provides that 102(e) reference may not be relied upon where there are owned by the

same person or subject to an obligation of assignment to the same person. This application and US Patent 5,545,821 are owned by Fuji Photo Optical Co., Ltd. (Saitama, Japan). Therefore, the '976 reference must be withdrawn.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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